

REMARKS

Upon entering the foregoing Amendment, Claims 1-15 and 17-19 are pending in the application. Claim 16 has been canceled; Claims 17-19 have been added; and Claims 1-15 have been canceled. The newly added claims are at least supported by the specification and claims as originally filed. For example, support for the amendments can be found in the original claims and in paragraphs [0008], [0077], [0079], and [0080].

The Examiner has required restriction in the above-identified application as follows:

Group I: Claims 1-6, drawn to a method of inhibiting inflammation by administering antibodies or antigen-binding fragments, classified in class 424, subclass 145.1.

Group II: Claims 7-16, drawn to a method of treating a mammal with an inflammatory disease by identifying cytokine expression levels and administering antibodies, classified in class 424, subclass 130.1.

For the purpose of examination of this application, Applicants elect, with traverse, Group II, Claims 7-15, 18 and 19, for further prosecution at this time. Claim 16 has been canceled by the above amendment, and it is respectfully submitted that new Claims 18 and 19 read upon the elected invention.

The basis for Applicants' traversal is that there is no undue burden on the Examiner. Section 803 of The Manual of Patent Examining Procedure states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants submit that there is no undue burden in this case and therefore respectfully requests examination of all currently pending claims.

However, in the event that the Examiner chooses not to consider all the claims, Applicants elect Group II, Claims 7-15 and 18-19, with traverse, for examination on the merits. Applicants further reserve the right to file one or more divisional applications to the non-elected subject matter, if they so wish.

The Examiner further states that upon electing either Group, Applicants are required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claims is finally held allowable.

For the purpose of examination of this application, Applicants elect, with traverse, CXCL10 as the cytokine for further prosecution at this time. Claims 7-15 and 18-19 read on the elected species.

The basis for Applicants' traversal is that there is no undue burden on the Examiner. Accordingly, the election of species requirement is believed to be improper, and it should be withdrawn.

Should the Examiner find the elected species allowable, the search should be expanded to include all the species under the claims which is a reasonable number of species. M.P.E.P. § 809.02(c).

CONCLUSION

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance or if the Examiner believes for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to contact Ping Wang, M.D. (Reg. No. 48,328) at the telephone number listed below.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP



Ping Wang, M.D.
Registration No. 48,328

1333 H Street, N.W.
Suite 820
Washington, D.C. 20005
Telephone No. 202.842.0217
Facsimile No. 202.408.5146